IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 837 of 2004(Y)

PETITIONER:

K.A. MARIAMMA, W/O. VIJAYA KUMAR,
LAB TECHNICIAN, CORPORATION T.B. CLINIC,
KOZHIKODE CORPORATION.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY SECRETARY,**
   DEPARTMENT OF LOCAL SELF GOVERNMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF MUNICIPAL**
   ADMINISTRATION, THIRUVANANTHAPURAM.

3. **THE KOZHIKODE CORPORATION, REP. BY ITS**
   SECRETARY, KOZHIKODE.

BY GOVERNMENT PLEADER SMT.T.B.RAMANI
SRI.C.M.SURESH BABU,SC,KOZHIKODE CORPN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.837/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT IN OP.15114/97 BEFORE THE HONOURABLE COURT DT. 10.3.98.

EXT.P2:- COPY OF THE ORDER OF THE 2ND RESPONDENT DT. 4.11.98.

EXT.P3:- COPY OF THE ORDER OF THE 2ND RESPONDENT DT. 8.8.2000.

EXT.P4:- COPY OF THE ORDER OF THE 2ND RESPONDENT DT. 2.1.02.

EXT.P5:- COPY OF THE PROCEEDINGS OF THE DISTRICT MEDICAL OFFICER OF HEALTH, KOZHIKODE DT. 28.7.99.

EXT.P6:- COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 1ST RESPONDENT DT. NIL .

EXT.P7:- COPY OF THE JUDGMENT IN OP. 28412/02 OF THIS HONOURABLE COURT DT. 3.10.02.

EXT.P8:- COPY OF THE ORDER OF THE 1ST RESPONDENT DT. 12.12.03.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.837 OF 2004

Dated this the 20th day of August, 2007

JUDGMENT

Petitioner is a Lab Technician in a clinic of the Corporation of Kozhikode. She claims that she is entitled to higher grades at par with those persons holding the post of Lab Technician in Government Service. Going by the reasons stated in the third paragraph of Ext.P8, it could be seen that it cannot be insisted that a parity has to be maintained between those in Government service and those in municipal service for the purpose of granting of higher grade, except to the extent decided upon by the Government as stated therein. The firm conclusion of the Government that because of the fixation of higher grade on the basis of entry cadre while issuing the pay revision orders of 1988, 1992 or 1997, there is no requirement to provide any further equalisation does not require to be interfered with.

In the aforesaid circumstances, I do not find any ground to issue any orders as sought for by the petitioner. The writ petition fails and is accordingly dismissed.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.